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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/720,595
	Filing Date	November 25, 2003
	First Named Inventor	Edward R. Dvner
	Art Unit	TBD
	Examiner Name	TBD
Total Number of Pages in This Submission	Attorney Docket Number	6353-102

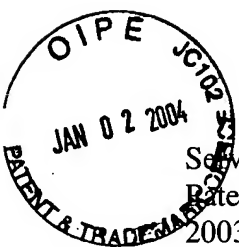
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John A. Hamilton, Reg. No. 48,946
Signature	
Date	December 30, 2003

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Signature		Date	December 30, 2003

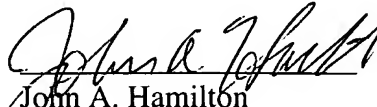
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John A. Hamilton  
Reg. No. 48,946

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/720,595	Filed: November 25, 2003*
Applicants: Edward R. Dovner, et al.	Examiner: TBD
Attorney Docket No.: 6353-102	Confirmation No.: TBD
Title: RESISTIVE ELASTIC TUBE ASSEMBLY FOR EXERCISE DEVICE	

PERKINS, SMITH & COHEN, LLP  
One Beacon Street  
Boston, MA 02108  
(617) 854-4000

To: Mail Stop Petition  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

### PETITION TO CORRECT FILING DATE UNDER 37 CFR §1.10(d)

Sir:

Applicants of the above-identified patent application respectfully petition the Director for a correct filing date under 37 CFR §1.10(d).

### REMARKS

On November 24, 2003, the above-referenced patent application was deposited with the U.S. Postal Service (USPS) to be delivered by the "Express Mail Post Office to Addressee" service of the USPS, using Express Mail Label No. EL449600880US (copy of Applicants' Utility Patent Application Transmittal form is enclosed). A "Track & Confirm" search

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\* This is the filing date accorded by the USPTO which Applicants believe is incorrect.

performed on the USPS website on the following business day revealed that the application was accepted by the USPS at Boston, Massachusetts on November 24, 2003 at 5:19 p.m. and delivered to the U.S. Patent and Trademark Office (USPTO) on November 25, 2003 at 9:45 a.m. (copy of the USPS "Track & Confirm" detail sheet enclosed).

Applicants subsequently received a return postcard (copy enclosed) indicating that the USPTO had accorded the application a filing date of November 25, 2003. Upon review of the Express Mail mailing label (copy enclosed), Applicants discovered that the "date in" entry as entered by the USPS was listed as November 25, 2003. Applicants believe this entry is incorrect. As evidenced by the USPS "Track & Confirm" detail sheet, Applicants believe that the application was deposited with the USPS on November 24, 2003 and delivered to the USPTO on November 25, 2003. Accordingly, as specified in 37 CFR §1.10(a)(1), Applicants believe that the filing date of the above-referenced patent application is November 24, 2003.

Applicants respectfully request a favorable decision regarding correction of the filing date in the above-referenced patent application, in compliance with the requirements of 37 CFR §1.10(d)

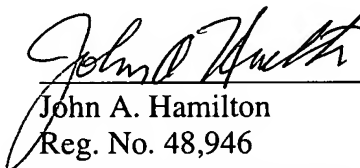
No fees are believed to be required for the submission of this petition. However, in the event that fees are required, the Director is authorized to charge such fees to Deposit Account No. 03-2410, Order No. 6353-102.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Director:

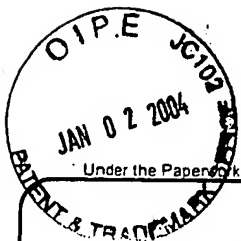
JOHN A. HAMILTON (617) 854-4000.

Dated: December 30, 2003

Respectfully submitted,  
Edward R. Dovner, et al., Applicants

By:   
John A. Hamilton  
Reg. No. 48,946  
Attorney for Applicants

Enclosures



# FILE

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

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## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	6353-102
First Inventor	Edward R. Dovner
Title	Resistive Elastic etc.
Express Mail Label No.	EL449600880US

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

### ADDRESS TO:

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- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 20]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 19]
- Oath or Declaration [Total Sheets 1]
  - ☒ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ Paper
  - ☐ Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Patent Application Cover Sheet.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information:

Examiner .....

Art Unit: .....

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

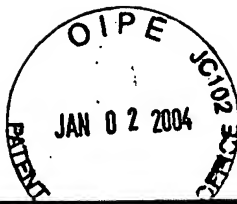
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Name (Print/Type)	John A. Hamilton	Registration No. (Attorney/Agent)	48,946
Signature	<i>John A. Hamilton</i>	Date	November 24, 2003

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Attorney Docket No.: 6353-102 Date: November 24, 2003  
Serial No.: N/A Filed: Herewith For: Edward R. Dovner et al.  
Title: Resistive Elastic Rube Assembly for Exercise Device

Please date stamp this card and return it to us to indicate that you have received the following documents.

Transmittal Form (1 pg); Fee Transmittal (1 pg, 2 copies);  
ADS (2 pgs); Patent Application Cover Sheet (1 pg);  
Specification (20 pgs); Drawings (19 pgs); Declaration  
(1 pgs); Powers of Attorney (2 pgs) and check for \$530.00  
(filing fee); IDS Letter (1 pg); Form PTO-1449 (1 pg).

JAH/mms

Express Mail Label No. EL449600880US

Date of Deposit: 11/24/03

12-9-03

PERKINS, SMITH & COHEN, LLP

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